

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: UTAH

ELIGIBILITY CONDITIONS AND REQUIREMENTS

ELIGIBILITY UNDER SECTION 1931 OF THE ACT

The State covers low-income families and children under Section 1931 of the Act.

The following groups were included in the AFDC State Plan effective July 16, 1996:

X Pregnant women with no other eligible children.

X AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training.

 In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996 without modification.

X In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996, with the following modifications.

 The agency applies lower income standards which are no lower than the than the AFDC standards in effect on May 1, 1988, as follows:

X The agency applies higher income standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1996, as follows:
Increased the need standard and the AFDC payment standard by 2.7%;
the CPI-U from July 16, 1996 through December 31, 1997.

 The agency applies higher resource standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1996, as follows:

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ELIGIBILITY CONDITIONS AND REQUIREMENTS

ELIGIBILITY UNDER SECTION 1931 OF THE ACT (Cont.)

- X The agency uses less restrictive income and/or resource methodologies than those in effect as of July 16, 1996, as follows:

The State shall disregard \$1.00, plus the amount equal to the difference between the State's TANF payment standard for a family the size of the TANF budget unit involved and the corresponding State AFDC payment standard for a family the size of the Medicaid budget unit involved.

The State shall apply a \$1,000 resource limit with an additional \$1,000 of resources disregarded for a household size of one. For a household size of two, \$2,000 in additional resources will be disregarded. For a household larger than two persons, \$2,000 plus \$25 in additional resources for each person in excess of two persons will be disregarded.

- The agency terminates medical assistance (except for certain pregnant women and children) for individuals who fail to meet TANF work requirements.

- X The agency continues to apply the following waivers of provisions of Part A of Title IV in effect as of July 16, 1996, or submitted prior to August 22, 1996 and approved by the Secretary on or before July 1, 1997.

These waivers will apply only to TANF cash assistance and diversion payment recipients. They will be continued only for so long as eligibility for TANF cash assistance and diversion assistance is established in the same manner as eligibility for AFDC was established under the welfare reform demonstration project for which these waivers were originally approved.

See item #1 on the following pages.

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ELIGIBILITY CONDITIONS AND REQUIREMENTS

ELIGIBILITY UNDER SECTION 1931 OF THE ACT (Cont.)

1. The agency continues to apply the following waivers of provisions of Part A of Title IV in effect as of July 16, 1996, or submitted prior to August 22, 1996 and approved by the Secretary on or before July 1, 1997.
 - A. Waiver of Section 402(a)(8)(A)(ii) and (iv) and 402(a)(8)(B)(ii) and various provisions of the regulation at 45 CFR 233.20(a)(11)(i)(B) and (D) and (ii)(B). The \$90.00 income disregard and the 30 and 1/3 income disregard are replaced with a \$100.00 income disregard and 50% income disregard. These disregards will be applied to each individual's earnings and they will not be time limited.
 - B. Waiver of Section 402(a)(7) before clause (A), and 402(a)(8)(A) and various provisions of the regulations at 45 CFR 233.20(a)(3)(ii) and 45 CFR 233.20(a)(3)(i)(A). This waiver permits child support legally owed by the non-custodial parent, and paid to a non-household member, to be deducted from any remaining income after the earned income disregards and child care deductions have been applied. This deduction is allowed in the net and grant test for assistance.
 1. To be legally owed, the child support must be ordered or mandated by a judge, court order, or other legal document that would be upheld in a court of law. Agreements between parents do not constitute legally obligated child support.
 2. If a payment is made to a third party in place of the child support payment, the amount will still be allowed as a deduction. For example, if the non-custodial parent pays the mortgage payment instead of paying cash directly to the custodial parent, the amount applied to the mortgage payment will be used as a deduction
 - C. Waiver of section 402(a)(7)(B) and various provisions at 45 CFR 233.20(a)(3)(i)(B)(2). When determining countable resources, up to \$8,000 of the equity value of one vehicle will be disregarded for each household. If the one vehicle the household applies this exclusion to is equipped to transport a disabled household member, the entire equity value will be disregarded. The equity value of any additional vehicles will be fully countable as an asset.

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ELIGIBILITY UNDER SECTION 1931 OF THE ACT (Cont.)

- D. Section 402(a)(7)(B) and various provisions of the regulations at 45 CFR 233.20(a)(3)(i)(B). The resource limit will be \$2,000.
- E. Waiver of Section 402(a)(41) and 407 of the Social Security Act, 45 CFR 233.100 (a)(1) and (c)(1)(iii). A child will be considered deprived of parental support if family income is below the applicable standard, regardless of the number of hours that the principal wage earner is employed.
- F. Waiver of section 406(a), 45 CFR 233.90(c)(iii). A child will be considered deprived of parental support when one of the parents has a continued absence from the home, even if the absent parent continues to provide maintenance, physical care, or guidance. Absence solely due to active duty in the uniformed services of the United States will not be considered absence from the home for deprivation purposes.
- G. Waiver of section 402(a), 45 CFR 233.20(a). A diversion participant shall be deemed to be a financial recipient, meeting all income, resource, and deprivation requirements, for three months beginning with the date of application. A diversion participant is defined as an individual who otherwise meets AFDC requirements, but agrees to have his/her application for financial assistance denied in return for a one-time diversion payment that meets the household's basic or special needs for a three month period.
 - 1. Once a person becomes a diversion participant, the individual is deemed to meet AFDC income and resource requirements by means of disregarding all income and resources of the participant during the diversion period.
 - 2. Once a person becomes a diversion participant, the individual is deemed to meet AFDC deprivation requirements by means of stating no deprivation requirements are applicable during the diversion period for participants.
 - 3. Once a person becomes a diversion participant, the individual is deemed to meet AFDC specified relative requirements by means of stating that a child is not required to live with a specified relative during the diversion period.

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